

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693

(HL-SCP) recited in claim 1. In response, the Examiner asserted that Fig. 1 of the present application and its description show that these elements are inherent.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Ram. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987). However, Fig. 1 of the present application and Ram are not a single prior art reference.

There are a few exceptions to the above single prior art reference rule. One of them that might be relevant here is to show that a characteristic not disclosed in the reference is inherent. To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991).

By asserting that the infrastructure manager (LL-SCP) and service specific unit (HL-SCP) are inherent, referring to Fig. 1 of the present application, the Examiner has admitted that Ram is silent about these recited elements. The Examiner must have realized that nothing expressly disclosed in Ram could correspond to these recited elements.

Even assuming, *arguendo*, that the Examiner's reference to Fig. 1 of the present application is proper, the cited references still fail to anticipate claim 1 of the present application. Claim 1 recites a step of establishing a direct dialog between a service switching unit (SSP) and the service specific unit (HL-SCP). Ram is silent about the service specific unit (HL-SCP), and could not possibly teach establishing a direct dialog between it and a service switching unit

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693

(SSP). Fig. 1 of the present application illustrates a prior art telecommunication network with a 2-layer-IN service control plane, wherein a service specific unit (HL-SCP) communicates with a service switching unit (SSP) via a signal transfer point (STP). There is not direct dialog between the service specific unit (HL-SCP) and the signal switching unit (SSP).

The Examiner has further asserted that Applicants negated the argument that the Examiner failed to provide devices in Ram that teach the recited service specific unit (HL-SCP) or infrastructure manager (LL-SCP), in the January 2004 Amendment. Applicants respectfully disagree. In the Office Action dated October 27, 2003, the Examiner asserted that Ram anticipates claim 1, but failed to provide the devices in Ram that teach the service specific unit (HL-SCP) and the infrastructure manager (LL-SCP). In the January 2004 Amendment, Applicants provided relevant parts in Ram to prove that nothing in Ram could possibly correspond to the recited service specific unit (HL-SCP) and infrastructure manager (LL-SCP). Applicants compared MRU 36 and SCU 34 in Ram with the recited service specific unit (HL-SCP) and infrastructure manager (LL-SCP), and concluded that the MRU 36 and MCU 34 do not teach or suggest the recited elements. Applicants never negate their own arguments.

Claim 1 recites a method step of identifying at the infrastructure manager (LL-SCP) the service specific unit (HL-SCP). The Examiner has argued that, in Ram, the SCU 34 identifies the MRU 36. It appears that the Examiner is trying to argue that the SCU 34 and the MRU 36 teach the recited infrastructure manager (LL-SCP) and service specific unit (HL-SCP). However, even assuming that the Examiner's argument is correct, this argument contradicts

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693

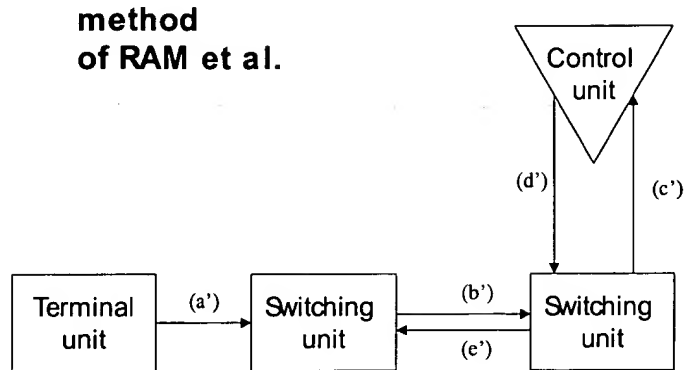
Examiner's position that Ram is silent about the infrastructure manager (LL-SCP) and the service specific unit (HL-SCP).

In addition, Ram discloses methods for controlling processing of a service call received by a switch matrix in a telecommunications system. A first method for controlling processing of a service call received by a switch matrix comprises the following steps:

- (1) A first message is generated in response to a trigger detection caused by the service call received on a first port of the switch matrix. The first message includes call information associated with the service call.
- (2) The first message is then output to a first communications link.
- (3) A second message is received from the first communications link wherein the second message includes data for controlling processing of the service call in the switch matrix.
- (4) One or more instructions are sent to the switch matrix for causing the switch matrix to perform one or more actions associated with the service call.

Ram provides a service invocation according to the following figure:

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693



As shown, Ram only provides an indirection at switching layer. However, the claimed invention provides a method with an indirection in the service layer. Because Ram and the claimed invention are about different layers of a telecommunication network, Ram fails to teach or suggest the service specific unit or service infrastructure manager recited in claim 1.

Further, in Ram, a first message includes call information associated with the service call – routed from the switch matrix to a service control point. A second message includes data for controlling processing of the service call in the switch matrix – routed back from the service control point to the switch matrix, where one or more instructions are sent to the switch matrix for causing the switch matrix to perform one or more actions associated with the service call. Thus, at the switching level, the location is required to predetermined (within the first message). The method according to the invention provides late service selection at the infrastructure

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693

manager. Claim 1 recites a step of identifying at the infrastructure manager a service specific unit supporting a requested service. Accordingly, Ram fails to teach this recited method step.

Furthermore, Ram suggests merely a decomposition of the switching unit into the matrix, a service control unit (the application interface for intelligent service implementing the forwarding logic) and a media resource unit for (streamed) media based services (like speech processing etc.), instead of a new method for providing a service in a telecommunication network. This could be concluded indirectly from the following parts of Ram:

“The service control platform 32 provides functionality for implementing telephony services, wherein software applications (service software programs) defining such services are executed by the SCU 34 that control the call processing of a desired service call. The PSN 28 communicates with the SCU 34 over the communications link 40 utilizing a service programming interface signaling protocol (col. 5, lines 12-18);

... the SCU 34 provides instructions to the programmable switch matrix 24 (via the programmable service node 28) to control the processing of the call or agent (col. 8, lines 34-37);

... the programmable switch architecture 10 allows and supports co-existence with AIN servicing and service calls associated with AIN triggering and the AIN database 27. A service call may trigger on an AIN trigger or an SCU trigger ... (col. 9, lines 21-23).

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693

Therefore, the cited references fail to teach or suggest at least the recited service infrastructure manager (LL-SCP), service specific unit (HL-SCP), the step of identifying at the infrastructure manager a service specific unit supporting a requested service, and the step of establishing a direct dialog between the service switching unit (SSP) and the service specific unit (HL-SCP). Applicants respectfully resubmit that claim 1 and its depended claims 2-5 are patentable.

Claim 6 of the present application recites an infrastructure manager (LL-SCP) comprising means for detecting an entire service number, means for requesting missing part of the service number, and means for sending a trigger message containing the entire service number. The Examiner has admitted that Ram is silent about the recited infrastructure manager (LL-SCP). Thus, Ram could not possibly teach or suggest the means recited in claim 6. As discussed above, the prior art of the present application and Ram do not teach or suggest these recited means either. Accordingly, Applicants respectfully resubmit that claim 6 and its dependent claims 7-8 are patentable.

The Examiner has referred to Fig. 1 of the present application for the teaching of the recited service specific unit (HL-SCP) and infrastructure manager (LL-SCP) in the Office Action dated April 6, 2004, but did not do so in the Office Action dated October 27, 2003. Thus, the Examiner brought new ground of rejection. Applicants hereby request the Examiner to withdraw the finality of the rejection of claims 1-8.

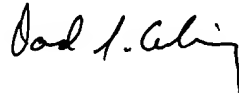
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/801,693

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David J. Cushing
Registration No. 28703

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC OFFICE

23493

CUSTOMER NUMBER

Date: August 6, 2004